



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

January 20, 2021

ELECTRONIC MAIL
CONFIRMATION OF ELECTRONIC MAIL RECEIPT REQUESTED

AgReserves, Inc. d/b/a Deseret Cattle and Timber
Deseret Ranches of North Florida, LLC
c/o Samuel Brown
Todd S. Mikolop
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue NW
Washington, DC 20037
slbrown@huntonak.com
tmikolop@huntonak.com

RE: Supplemental Information Request Letter 308-2021-02

Dear Mr. Brown and Mr. Mikolop:

The U. S. Environmental Protection Agency Region 4 met with your clients AgReserves, Inc. d/b/a Deseret Cattle & Timber and Deseret Ranches of North Florida (collectively "Deseret") and their prior counsel (Dorothy Watson) virtually on June 11, 2020 and November 30, 2020 to discuss discharges of dredged and/or fill material associated with mechanical land clearing and conversion of forested wetlands to pasture and pond excavation conducted on parcels owned by Deseret. These meetings followed a December 20, 2019 information request (Information Request Letter 308-2020-001) seeking information regarding compliance at the Site with section 404 of the Clean Water Act (CWA), 33 U.S.C. § 1344. Based on these meetings and some materials provided in response to the December 20, 2019 information request, the EPA believes further information gathering regarding compliance is necessary. Therefore, pursuant to its authority under section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby notifies Deseret of its intention for its representatives to visit the Site in early March 2021 on dates to be mutually agreed-upon by the parties.

Additionally, pursuant to section 308 of the CWA, 33 U.S.C. § 1318, the EPA requests that Deseret provide the information requested in Enclosure A within thirty (30) calendar days of receipt of this letter. Further, Deseret needs to reproduce several documents listed in Enclosure A that were not produced in a legible format.

All information submitted in response to this information request must be accompanied by the following certification that is signed by a duly authorized official:

"I certify that I have personally reviewed the information contained in this response to the information request and the response is truthful, accurate, and complete. I further certify

that the response to the information request contains all documents responsive to the request. I am aware that there are significant penalties for submitting false information including the possibility of further enforcement under the CWA.”

The response and documents should be sent electronically to Mr. Christopher Parker at parker.christopher@epa.gov. Items that cannot be sent electronically should be mailed to:

Mr. Christopher Parker
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If Deseret believes that any of the requested information is Confidential Business Information (CBI), it may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b) but must still provide the information. Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If Deseret does not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to Deseret. Additional information regarding the EPA’s requirements for confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

If you have any questions concerning this matter, please contact Mr. Tyler Sniff, Associate Regional Counsel at (404) 562-9499 or sniff.tyler@epa.gov.

Sincerely,

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Mr. Robert Halbert, U.S. Army Corps of Engineers, Jacksonville District
Mr. John Truitt, Florida Department of Environmental Protection